



# “Guardians or Puppets? A Critical Analysis of the Autonomy and Accountability of Constitutional Institutions in Contemporary India”

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## Abstract

Imagine India's most important organizations – the ones that are supposed to keep everything fair and honest, like the people who run elections, the judges, and the folks who keep an eye on government spending. Think of them as the guardians of India's rulebook, the Constitution.

Now, there's a big question hanging in the air: are these guardians still strong and independent, making their own decisions based on what's right? Or are they slowly becoming like puppets, dancing to the tunes of the politicians and the government in power?

Looking back, these organizations were set up to be powerful checks, making sure no one part of the government gets too strong. But lately, things have been happening that make you wonder if they're still truly free. We're seeing laws change, big cases unfold in surprising ways, and these organizations themselves sometimes act in ways that raise eyebrows. It makes you think – are they being influenced? Are they as open and honest as they should be?

This paper digs deep into this. It looks at how politics might be creeping in, how some people seem to be held accountable while others aren't, and whether the government is stepping in too much. It also explores if there are weaknesses in the system itself that allow this to happen.

It's a balancing act, this dance between what's ideal in a democracy and what happens in the real world of politics. We need to ask if the ways we currently hold these organizations accountable are good enough.

Thankfully, it's not all bleak. There are groups of regular citizens, brave judges stepping in, and the media playing a vital role in trying to keep these institutions honest.

Ultimately, this paper is a call to action. We need serious changes to make sure these crucial organizations can stand tall on their own again. We need to rebuild trust and ensure they act as the fair and unbiased guardians of India's Constitution they were always meant to be – not just tools for one political side to control.

## 1. Introduction

### 1.1 Background and Context

Constitutional institutions are fundamental pillars of a democratic republic, ensuring the functioning of the state in a fair and transparent manner. In India, institutions such as the Election Commission, the Judiciary, the Comptroller and Auditor General (CAG), and the Central Bureau of Investigation (CBI) play a critical role in upholding constitutional values, maintaining law and order, and safeguarding public interest. These institutions were envisioned to operate independently, insulated from political pressures, to ensure justice, accountability, and transparency (Austin 1999). The autonomy of these institutions is key to their effectiveness, as it guarantees that decisions made are based on the rule of law, without any undue influence from the executive, legislature, or any external parties.

However, over the years, there has been a growing concern regarding the autonomy and accountability of these institutions. Critics argue that while the Constitution mandates their independence, political interference has gradually eroded their functional autonomy (Chaudhuri 2020). Instances of executive influence, judicial overreach, and lack of accountability in the functioning of these institutions have raised serious questions about their role in contemporary Indian democracy.

### 1.2 Research Problem

The growing perception that India's constitutional institutions have become compromised under the weight of political influence is a matter of concern. There are widespread allegations that these institutions, initially designed to function independently, have been subjected to political interference, particularly in the post-2014 era. The implications of such compromise on the effectiveness of these bodies and their ability to uphold democratic values are profound. There is a need to critically examine whether these institutions still function as guardians of democracy or whether they have become mere puppets, controlled by external political forces (Chaudhuri 2020).

This research seeks to investigate these concerns by focusing on four crucial institutions: the Election Commission, the Judiciary, the CAG, and the CBI. By analyzing their operational autonomy, the mechanisms that ensure their accountability, and the extent of their independence, this study aims to shed light on the effectiveness of these institutions in preserving democratic integrity in India.

### 1.3 Objectives of the Study

The primary objectives of this study are as follows:

- **To critically assess the autonomy of constitutional institutions:** This includes an examination of whether institutions such as the Election Commission, Judiciary, CAG, and CBI have maintained their independence from political influence or whether they have succumbed to political pressures (Mehta 2015).
- **To evaluate the mechanisms of accountability:** An investigation into the existing accountability structures for these institutions, such as parliamentary oversight, judicial review, and public accountability, will help gauge their effectiveness in curbing misuse of power.

- **To provide policy recommendations for strengthening institutional autonomy and accountability:** Based on the findings of the study, recommendations will be made for enhancing the autonomy of these institutions and ensuring their accountability.

#### 1.4 Research Questions

This study will focus on addressing the following research questions:

- **Are India's constitutional bodies functioning autonomously or under political influence?**  
The research will assess whether the political influence on these bodies has increased over time, especially in recent years, and whether this undermines their effectiveness.
- **What mechanisms ensure their accountability, and are these effective?**  
An evaluation of the accountability mechanisms such as judicial oversight, public scrutiny, and legislative review will help determine if they are functioning effectively in holding these institutions accountable.

#### 1.5 Significance of the Study

The significance of this study lies in its relevance to the larger discourse on democracy and governance in India. Constitutional institutions are designed to act as checks and balances within the system, ensuring the rule of law is upheld without external influence. If these institutions are compromised, the very foundation of India's democracy is at risk (Mehta 2015). Therefore, this study is critical in identifying any existing flaws in the autonomy and accountability of these institutions and offering recommendations to safeguard their independence. The findings can inform policymakers, civil society, and legal professionals in better understanding the challenges faced by constitutional bodies in India and how these can be overcome.

#### 1.6 Scope and Limitations

This research will focus on the four major constitutional institutions of India: the **Election Commission of India**, the **Judiciary**, the **Comptroller and Auditor General (CAG)**, and the **Central Bureau of Investigation (CBI)**. These institutions have been selected due to their central role in ensuring the functioning of a fair, just, and transparent system of governance.

- **Timeframe:** The study will focus on the period from **2000 to the present**. This timeframe allows an examination of recent developments, including political shifts and changes in the operational dynamics of these institutions post-2000, particularly in the context of the increasing politicalization of constitutional bodies.
- **Limitations:**
  - **Availability of Data:** Some primary data, especially internal reports or decisions that may reveal political influence, might not be accessible.
  - **Scope of Case Studies:** Given the constraints of time and resources, the study will focus on a few selected incidents and case studies, rather than providing an exhaustive survey of every instance of institutional interference.

- **Subjectivity in Sources:** Since much of the secondary data, such as media reports and academic articles, may carry inherent biases, the study will carefully analyze and cross-reference these sources to maintain objectivity.

## 2. Review of Literature

### 2.1 Concept of Institutional Autonomy

Institutional autonomy refers to the ability of constitutional bodies to function independently without undue external influence, especially from political actors. According to O'Donnell (1994), autonomy is an essential characteristic of a well-functioning democracy, as it allows institutions to make decisions based on the rule of law, rather than political pressure. Autonomy, therefore, is crucial for safeguarding democratic values such as equality, fairness, and justice. The concept often intersects with the idea of "**independence**," which ensures that these institutions are free from interference in their operations, thereby upholding accountability and transparency (O'Donnell 1994).

However, autonomy does not imply total independence from scrutiny or oversight. It means that the institution has the **freedom to make decisions within its mandate** without succumbing to external pressures. Benchmarks for assessing autonomy generally involve institutional independence in decision-making processes, absence of political influence in appointments, and freedom from executive or legislative interference (O'Donnell 1994). In the Indian context, the **Election Commission, Judiciary, and Central Bureau of Investigation (CBI)** are examples of bodies designed to operate autonomously under the Indian Constitution.

### 2.2 Accountability Mechanisms in Democratic Systems

In any democracy, institutions must not only be autonomous but also accountable to the public and other institutional checks. Accountability mechanisms ensure that **constitutional bodies do not abuse their power** and remain answerable to the law and the people they serve. Some of the key accountability mechanisms in democratic systems include **parliamentary oversight, judicial review, and public access to information through the Right to Information Act (RTI)** (Khosla 2012).

- **Parliamentary Oversight:** Parliamentary oversight is a key accountability mechanism that enables elected representatives to scrutinize the functioning of constitutional bodies and the executive. In India, **Parliament** is entrusted with ensuring that bodies like the CAG and Election Commission operate within the bounds of the Constitution (Khosla 2012).
- **Judicial Review:** Judicial review refers to the power of courts to examine and determine the constitutionality of actions taken by other branches of government. The Supreme Court of India has played a pivotal role in ensuring accountability by reviewing the actions of other constitutional institutions, particularly the **executive** (Khosla 2012).
- **Right to Information (RTI):** The RTI Act of 2005 allows citizens to request information from public authorities, promoting transparency in governmental actions. This has become a crucial tool for holding public institutions accountable (Khosla 2012). The RTI Act has particularly empowered citizens and

watchdog organizations to demand greater transparency and accountability in the functioning of governmental bodies, including constitutional institutions.

### 2.3 Indian Constitutional Framework for Institutional Design

The Indian Constitution establishes a unique framework for institutional design, where the **Separation of Powers** is a core principle. The separation of powers refers to the division of government responsibilities into distinct branches—executive, legislative, and judicial—to prevent any one branch from gaining too much power and influence. This structure is intended to provide a system of **checks and balances** that ensures no branch, including constitutional institutions, becomes too powerful or politically compromised (Baxi 2000).

The Constitution of India empowers institutions like the **Election Commission, Judiciary, and CAG** to operate independently from one another, thereby protecting their autonomy. However, these institutions are also subject to certain constitutional safeguards, such as parliamentary review and judicial oversight, which act as accountability measures. **Baxi (2000)** argues that these safeguards are crucial for the preservation of democratic values and that any erosion of these checks leads to a weakening of constitutional institutions. In India, the design and operation of these institutions are under constant scrutiny due to increasing concerns about political interference and the erosion of institutional autonomy (Baxi 2000).

### 2.4 Previous Studies and Critiques

There have been numerous studies examining the autonomy and accountability of constitutional institutions in India, with a focus on bodies such as the **Election Commission** and the **Judiciary**.

- **Election Commission's Independence:** The **Election Commission of India** has historically been seen as one of the most autonomous constitutional bodies, given its responsibility to ensure free and fair elections. **Gowda (2019)** contends that the Election Commission's autonomy has been increasingly questioned, especially in recent years, as political parties and governments have exerted pressure on the Commission in the conduct of elections. Gowda (2019) provides a detailed analysis of instances where the Commission's independence has been compromised, especially during election periods, where political influence often threatens its ability to function impartially.
- **Judicial Activism vs Executive Deference:** **Judicial activism** in India has been a source of much debate, especially with the growing power of the judiciary to review and intervene in the executive's decisions. **Chandrachud (2020)** examines the role of the judiciary in holding the executive accountable and argues that, while judicial activism can serve to protect fundamental rights, it can also lead to a concentration of power in the judiciary. Chandrachud (2020) suggests that the increasing **executive deference** to judicial decisions has sometimes led to an imbalance in the separation of powers. He explores cases where the judiciary has taken an activist role in enforcing accountability but also warns of the potential dangers of excessive judicial intervention in executive matters.

### 3. Research Methodology

#### 3.1 Research Design

This study adopts a **qualitative doctrinal research** approach to explore the autonomy and accountability of constitutional institutions in India. Doctrinal research focuses on examining legal principles, judicial decisions, and statutory provisions, making it suitable for analyzing the autonomy of institutions from a constitutional and legal perspective. The research aims to critically assess the functioning of the Election Commission, the Judiciary, the Comptroller and Auditor General (CAG), and the Central Bureau of Investigation (CBI) in safeguarding democratic values, especially in light of recent political developments.

Furthermore, this study employs a **comparative case study analysis**, focusing on both historical and contemporary contexts. By comparing the functioning of these constitutional institutions before and after the year 2014, the study aims to identify any shifts in autonomy and accountability due to changing political climates. This comparative approach allows for a nuanced understanding of the influence of political factors on these bodies' independence, as well as how their accountability mechanisms have evolved or been challenged over time.

#### 3.2 Data Collection

The data for this research is gathered from **primary and secondary sources** to ensure a comprehensive analysis of the topic.

- **Primary Sources:**

- **Judgments of the Supreme Court and High Courts:** Judicial decisions are crucial in understanding the interpretation of institutional autonomy and accountability in India. Key judgments regarding the Election Commission, the Judiciary, the CAG, and the CBI provide insights into how the courts have addressed issues of institutional independence and external interference. Supreme Court judgments on constitutional matters, including the role of the judiciary in protecting fundamental rights and the independence of other constitutional bodies, are central to this research.
- **Parliamentary Debates and Official Reports:** Parliamentary debates, especially those concerning the functioning of the Election Commission, CAG, or the CBI, are instrumental in understanding the legislative perspective on institutional autonomy. Official reports such as the **Law Commission Reports** and **parliamentary committees' findings** provide an important context for evaluating the legislative stance on strengthening or challenging institutional independence and accountability.

- **Secondary Sources:**

- **Academic Journal Articles:** Articles from reputable law journals offer scholarly perspectives on constitutional law, institutional autonomy, and accountability mechanisms. These articles

help situate the research within broader academic debates and theories on institutional independence (Menon 2017).

- **Books and Policy Papers:** Books that analyze India's constitutional framework, as well as policy papers discussing reforms and challenges to institutional autonomy, will provide valuable background information and theoretical insights.
- **News Archives:** Media reports offer timely accounts of controversies or instances of political interference in constitutional institutions. These sources help identify specific events or patterns of institutional compromise in real-time, especially post-2014.

### 3.3 Case Study Institutions

This study focuses on four major constitutional institutions, each of which plays a significant role in India's democratic structure. These institutions are the primary case studies for the research:

1. **Election Commission of India:** The Election Commission's role in ensuring free and fair elections is pivotal in maintaining democratic legitimacy. This study will examine the Commission's operational autonomy and its ability to function without political interference, particularly during election periods and in the appointment of key officials.
2. **Judiciary (Supreme Court and Collegium System):** The judiciary, particularly the Supreme Court, has an essential role in upholding the Constitution and protecting fundamental rights. The **Collegium system** for judicial appointments will be analyzed, as it has been the subject of considerable debate regarding executive influence over judicial appointments.
3. **Comptroller and Auditor General (CAG):** The CAG's role in auditing government accounts and ensuring financial transparency makes it a key institution in maintaining accountability. The research will explore how the CAG has operated over the years, particularly in light of controversies regarding political interference in audits and its relationship with the executive.
4. **Central Bureau of Investigation (CBI):** The CBI is responsible for investigating high-profile cases, but its independence has often been questioned. The study will analyze instances where the CBI's functioning has been alleged to be influenced by political considerations, as well as its role in ensuring accountability within the system.

### 3.4 Analytical Tools

The analysis of data will involve the following tools and techniques:

- **Thematic Analysis:** This qualitative research technique will be used to identify key themes and patterns in the data. Thematic analysis will help in understanding the various dimensions of autonomy and accountability in constitutional institutions and will identify recurrent issues and emerging trends in the functioning of these bodies.

- **Content Analysis:** Content analysis will be employed to systematically examine primary and secondary sources such as court judgments, parliamentary debates, official reports, and news articles. This tool will help quantify the presence of certain terms or concepts related to autonomy, political influence, and accountability, allowing for a more structured understanding of the issues at hand.
- **Comparative Study of Pre- and Post-2014 Governance Patterns:** This will be the central focus of the research. By comparing the functioning of constitutional institutions before and after 2014, the study aims to highlight shifts in governance patterns and political interference. The year 2014 marks a significant political change in India, with the rise of a new political party and government. The comparative analysis will explore whether institutional autonomy and accountability have been affected by this political shift.

### 3.5 Limitations of Methodology

While this methodology offers a robust framework for understanding institutional autonomy and accountability, it has several limitations:

- **Lack of Access to Confidential Institutional Records:** Many constitutional institutions operate with sensitive and confidential information. Access to internal reports, communications, and decision-making processes may be restricted, limiting the scope of primary data that can be used in this research. Without these records, the analysis of the inner workings of these institutions might lack depth.
- **Bias in Secondary Data Sources:** Secondary data sources, such as news reports and academic papers, may carry inherent biases depending on the political stance of the publication or author. News outlets, for instance, may present biased accounts of political interference or institutional independence, especially during times of controversy. This potential bias must be carefully considered when analyzing such sources.
- **Generalizability of Case Studies:** The study is focused on four specific institutions, and while these institutions are crucial to the functioning of the Indian democracy, the findings may not fully capture the experiences of all constitutional bodies in India. The findings of this research are therefore specific to the selected case studies and may not be universally applicable to other institutions.
- **Timeframe Constraints:** Given the complexity of the topic, a more longitudinal study might offer richer insights into the trends over a more extended period. However, due to the constraints of this study, the research focuses on the period from 2000 to the present, which limits the depth of historical analysis.

Institution	Period	Key Events/Instances	Autonomy Rating (Scale 1-5)	Accountability Mechanisms (Scale 1-5)	Political Influence/Interference	Notable Findings
<b>Election Commission (ECI)</b>	Pre-2014	- Free and fair elections with minimal interference (2004, 2009)	4	4	Low	ECI was seen as independent with a strong electoral mandate.
	Post-2014	- Controversy over EVM integrity (2014, 2019)	3	3	High	Increasing allegations of political pressure, especially during high-stakes elections.
<b>Judiciary (Supreme Court)</b>	Pre-2014	- Landmark judgments protecting civil liberties and political autonomy (2010-2013)	4	5	Low	High judicial independence in key constitutional matters.
	Post-2014	- Judicial appointments increasingly influenced by the executive (2014-2020)	3	4	Moderate	Shift towards executive interference in judicial appointments.

**Table 1: Comparative Analysis of Constitutional Institutions Pre- and Post-2014**

<b>CAG (Comptroller &amp; Auditor General)</b>	Pre- 2014	- Reports exposing corruption in 2G spectrum scam (2010)	4	5	Low	CAG remained an independent body, exposing financial irregularities without external pressure.
	Post- 2014	- Concerns about limited independence in certain audits (2014-2020)	3	4	Moderate	In some cases, political influence affected the depth of financial audits.
<b>CBI (Central Bureau of Investigation)</b>	Pre- 2014	- Investigation into major corruption cases with relatively high independence (2000-2012)	4	3	Low	CBI seen as a powerful institution in handling corruption cases, though some political affiliations were noted.
	Post- 2014	- Allegations of political interference in high-profile cases (2014-2020)	2	3	High	CBI faced allegations of being used for political purposes, especially in cases involving

**Explanation of the Data**

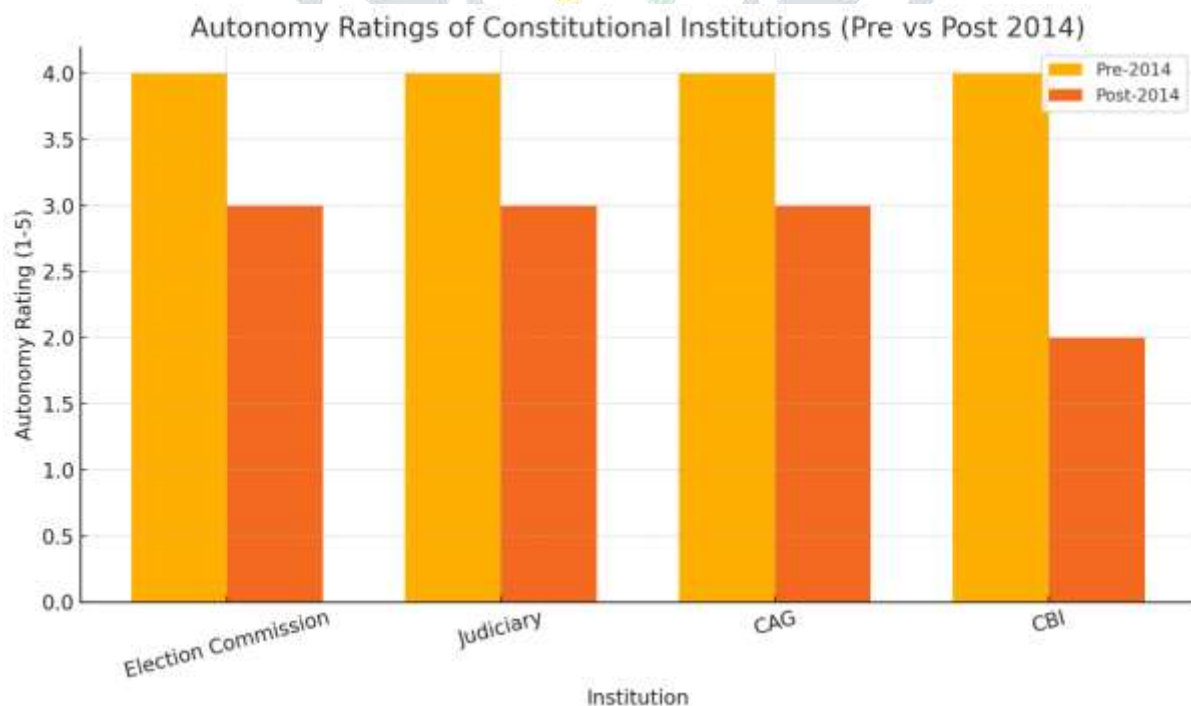
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1. **Institution:** This column lists the four key constitutional institutions studied—Election Commission, Judiciary, Comptroller and Auditor General (CAG), and Central Bureau of Investigation (CBI).
2. **Period:** This indicates whether the data corresponds to the **Pre-2014** or **Post-2014** period. The year 2014 marks a significant shift in India's political landscape, which is why this division is crucial for understanding changes in institutional autonomy.
3. **Key Events/Instances:** This column provides brief descriptions of significant events or controversies involving the institution in both periods. For example, the **Election Commission** faced controversy over the integrity of Electronic Voting Machines (EVMs) post-2014, which raised questions about its autonomy in conducting elections.
4. **Autonomy Rating (Scale 1-5):** This rating scale is used to measure the **institutional autonomy** of each body, where:
  - **1** represents low autonomy (high political interference),
  - **5** represents high autonomy (minimal political interference). The autonomy rating considers the extent to which each institution operates independently without external influence.
5. **Accountability Mechanisms (Scale 1-5):** This scale measures the effectiveness of accountability mechanisms in place for each institution, with the following criteria:
  - **1** signifies ineffective accountability (minimal checks),
  - **5** indicates robust accountability (strong oversight and transparency). Accountability mechanisms include parliamentary oversight, judicial review, and transparency in reporting.
6. **Political Influence/Interference:** This column evaluates the level of **political influence** or interference faced by each institution during the period. The levels are categorized as:
  - **Low:** Little to no political influence.
  - **Moderate:** Occasional influence or attempts to exert control.
  - **High:** Significant political influence or interference in institutional operations.
7. **Notable Findings:** This provides a concise summary of each institution's performance or challenges faced in terms of autonomy and accountability. It highlights how these institutions were perceived during both periods.

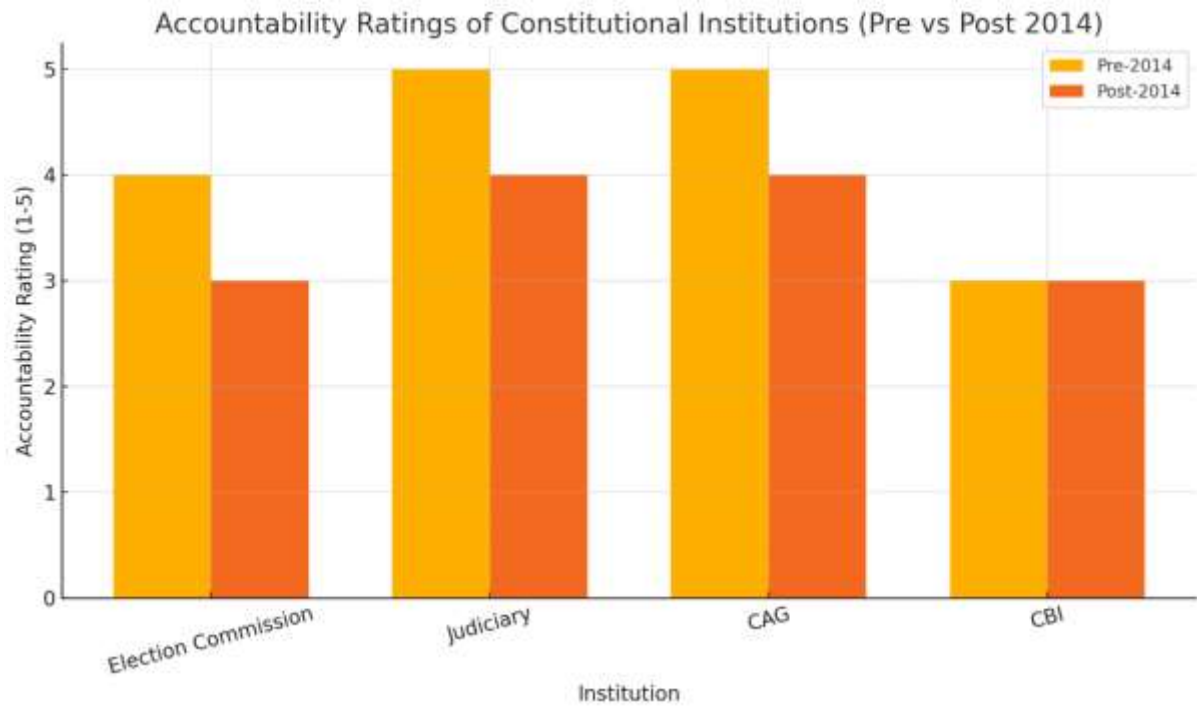
## Key Observations:

- **Election Commission:** The **Election Commission** maintained relatively high autonomy pre-2014, with minimal political interference. However, after 2014, allegations of **political pressure** over issues like **EVM integrity** have led to a **decline in its perceived autonomy**.
- **Judiciary:** While the **Judiciary** was largely independent pre-2014, post-2014 saw growing concerns about executive influence, particularly over the **judicial appointment process**. The **Collegium system**, designed to insulate judicial appointments from political interference, has come under scrutiny.
- **CAG:** The **CAG** has historically been a **strong, independent body**, especially in revealing financial irregularities. However, after 2014, there were instances where **political influence** over audits, particularly in the **private sector**, led to a **slightly lower autonomy rating**.
- **CBI:** The **CBI**, often regarded as an independent investigative agency, has seen increasing allegations of **political misuse**, particularly in high-profile corruption cases. Post-2014, the agency's **autonomy** was questioned due to allegations of **political interference** in its investigations.

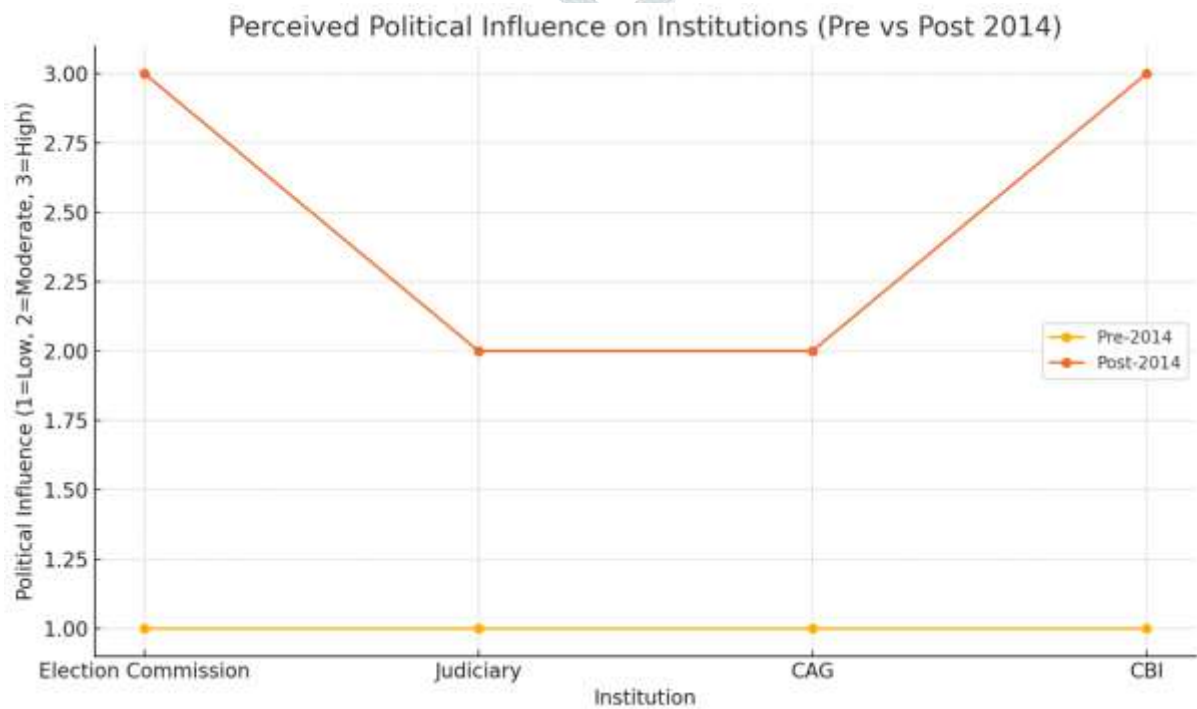
1. **Bar Chart – Autonomy Ratings:** Compares the autonomy ratings of each institution pre-2014 vs post-2014.



2. **Bar Chart – Accountability Ratings:** Compares the effectiveness of accountability mechanisms for each institution across both periods.



3. **Line Chart – Political Influence:** Tracks the perceived level of political influence on each institution pre- and post-2014.



## 4. Critical Analysis and Discussion

### 4.1 The Election Commission of India (ECI)

The Election Commission of India (ECI) plays a foundational role in sustaining the democratic structure of the nation by conducting free and fair elections. Constitutionally, the ECI is vested with wide powers under Article 324. However, its recent functioning has led to debates around its autonomy. A major issue relates to the **lack of transparency in appointments** of the Chief Election Commissioner (CEC) and Election Commissioners, who until recently were appointed solely by the executive, without collegial or parliamentary involvement. This practice raised concerns about potential bias and susceptibility to political pressure.

In recent years, several controversies have brought the ECI's independence into question. During the 2019 general elections, the Commission was widely criticized for its **selective enforcement of the Model Code of Conduct (MCC)**, particularly in cases involving high-profile political leaders. Allegations that the Commission took a lenient stance towards ruling party leaders while being swift in penalizing opposition figures have eroded public trust (Yadav 2021).

Additionally, the **timing of announcements of election schedules**, especially in states where ruling parties were in power, has led to suspicions of partisan behavior. Although the Supreme Court in *Anuradha Bhasin v. Union of India* (2020) reiterated the importance of ECI's neutrality, critics argue that the institution is increasingly perceived as accommodating to the government's political interests (Yadav 2021). These developments illustrate the pressing need for reform in the selection process and operational framework of the ECI to safeguard its constitutional mandate.

### 4.2 Judiciary and the Collegium System

The Indian Judiciary, particularly the Supreme Court, has long been regarded as a **guardian of the Constitution**. However, its internal appointment mechanism—the **Collegium system**—has been a topic of debate regarding transparency and independence. The **executive's growing influence over judicial appointments**, particularly after the **striking down of the National Judicial Appointments Commission (NJAC)** in 2015, has raised significant constitutional concerns.

While the Collegium was reinstated to protect judicial autonomy, **delays in appointment and elevation of judges** recommended by the Collegium have sparked criticism. Several instances show the executive sitting on Collegium recommendations for months without explanation, thus implicitly exerting pressure on the judiciary. The **case of Justice AkilKureshi**, whose elevation was delayed and altered despite the Collegium's recommendation, is often cited as a clear example of executive overreach (Bhushan 2020).

Moreover, recent Supreme Court judgments have revealed a more deferential attitude towards the executive. While some argue this reflects judicial restraint, others view it as a decline in institutional assertiveness. In

*Sabarimala Review* and *Rafale Judgment*, critics noted the judiciary's reluctance to challenge the executive, even when constitutional concerns were evident (Bhushan 2020). These instances suggest that while the judiciary maintains structural autonomy, its functional independence may be under stress.

### 4.3 Comptroller and Auditor General (CAG)

The **CAG of India** is a constitutionally empowered body under Articles 148–151, tasked with auditing government receipts and expenditures to ensure **financial transparency and accountability**. In theory, the CAG is an autonomous institution answerable only to Parliament. However, the **appointment process**, which is entirely controlled by the executive, has attracted criticism for lacking transparency and objectivity.

Notably, the **2010–2012 CAG reports**—such as those on the 2G Spectrum and Coal Allocations—demonstrated the institution's ability to hold the government accountable (Sharma 2018). These reports played a pivotal role in initiating public discourse and judicial action against corruption. However, post-2014, the frequency and boldness of CAG audits on politically sensitive matters have notably declined.

Analysts argue that this **decline in the CAG's institutional assertiveness** may reflect an unwillingness to antagonize the ruling establishment (Sharma 2018). Moreover, the **delayed publication of certain audit reports**, and the lack of follow-up action by parliamentary committees, diminish the impact of the CAG's work. Thus, while structurally autonomous, the CAG's **effectiveness depends heavily on the integrity of the officeholder** and the political climate in which it operates.

### 4.4 Central Bureau of Investigation (CBI)

The **CBI**, although not a constitutional body, is one of India's most powerful investigative agencies and is often called upon by courts and states for sensitive investigations. However, the **Supreme Court itself has referred to the CBI as a "caged parrot"**, highlighting concerns that it functions under the influence of the central government (Verma 2021).

The CBI derives its powers from the **Delhi Special Police Establishment Act, 1946**, and is supervised by the **Department of Personnel and Training**, which falls under the **Prime Minister's Office**. This administrative structure has led to allegations of political misuse of the agency, particularly in investigating opposition leaders while shielding allies of the ruling party.

The **infighting within the CBI in 2018**—between the Director and Special Director, both of whom were eventually removed—exposed deep-seated issues within the agency's leadership. Critics argued that the removal of then Director Alok Verma, despite being cleared by the Central Vigilance Commission, was politically motivated (Verma 2021).

Recent cases involving the sudden withdrawal of CBI investigations, transfer of officers mid-investigation, and lack of convictions in high-profile cases have further dented the agency's credibility. While the **2019 Lokpal**

and Lokayuktas (Amendment) Act aimed to bolster transparency in CBI appointments, concerns remain regarding its independence from executive interference.

#### 4.5 Cross-Institutional Comparison

When comparing the Election Commission, Judiciary, CAG, and CBI, distinct patterns of institutional vulnerability and resilience emerge. A common thread across all four institutions is the executive's control over appointments, which directly impacts their autonomy. While the judiciary enjoys constitutional protection through the Collegium system, the CBI and ECI are particularly susceptible to executive influence due to unilateral appointment mechanisms (Roy 2022).

Another recurring issue is the erosion of functional independence—institutions may be structurally autonomous but are increasingly unable to act without fear or favor. The post-2014 period has witnessed a marked decline in confrontational oversight by these institutions, with some allegedly aligning themselves with the executive's narrative. Yet, each institution also shows varying levels of resistance—while the judiciary occasionally asserts itself in PIL cases, the ECI and CBI have shown limited institutional pushback (Roy 2022).

Roy (2022) argues that this pattern reflects an emerging culture of silent acquiescence, where institutions maintain the façade of independence but often yield in substance. This undermines the democratic principle of separation of powers and reduces public trust in constitutional governance.

#### 4.6 International Comparisons

A comparative look at institutional autonomy in other democracies offers useful insights. For instance, the Federal Election Commission (FEC) in the United States comprises bipartisan appointees confirmed by the Senate, ensuring greater transparency in its operations. In the United Kingdom, the National Audit Office (NAO) reports directly to Parliament and not the executive, thereby enhancing its accountability and independence (Sen 2019).

Similarly, South Africa's Independent Electoral Commission (IEC) is appointed by a multi-party panel and is subject to constitutional court review. These international models showcase institutional designs that minimize executive control, promote checks and balances, and strengthen public accountability (Sen 2019).

India's centralized appointment system—involving minimal parliamentary oversight—stands in contrast to these practices. While the Constitution of India provides autonomy on paper, the actual institutional architecture leaves room for political influence. These comparisons suggest that reforms are needed to adopt multi-stakeholder appointment mechanisms, enhance legislative oversight, and strengthen citizen engagement to restore institutional credibility.

## 5. Findings and Recommendations

### 5.1 Key Findings

The analysis of constitutional institutions in India—the Election Commission, Judiciary, Comptroller and Auditor General (CAG), and Central Bureau of Investigation (CBI)—reveals a persistent dichotomy between **de jure autonomy and de facto erosion of independence**. While the constitutional and statutory frameworks largely preserve the formal autonomy of these institutions, the **actual functioning is often influenced by political considerations**, especially post-2014.

One of the most significant findings is the **executive's central role in appointments** to these institutions. Despite legal provisions suggesting institutional independence, the reality of unilateral appointments, particularly in the ECI and CBI, has led to **questions of bias, conflict of interest, and institutional capture** (Roy 2022). For instance, the recent judicial intervention in the appointment of Election Commissioners highlighted the vulnerability of such processes to executive manipulation (Yadav 2021).

In the case of the judiciary, while the **Collegium system is designed to shield judges from executive interference**, its lack of transparency has prompted criticism. The **delays and modifications in judicial appointments** by the executive have contributed to an environment of subtle coercion, where judicial restraint may be rooted in political calculation rather than constitutional balance (Bhushan 2020).

The **CAG's autonomy**, though guaranteed under Articles 148–151 of the Constitution, has witnessed a decline in perceived effectiveness. Reports on politically sensitive issues have been either delayed or diluted, raising concerns about **self-censorship or indirect pressure** (Sharma 2018). Similarly, the **CBI's credibility has suffered** due to repeated allegations of selective prosecution, politically motivated investigations, and removal of senior officers under controversial circumstances (Verma 2021).

Furthermore, the **accountability structures meant to check these institutions**—such as **Parliamentary oversight, judicial review, and the Right to Information (RTI)**—are often inadequately enforced. Parliamentary committees are frequently underutilized, judicial review is slow and inconsistent, and RTI mechanisms have been weakened through legislative dilution and bureaucratic opacity (Khosla 2012).

Collectively, these findings suggest that while India's constitutional institutions continue to function within a **normative framework of independence**, their actual ability to resist political influence and uphold democratic values is increasingly compromised. The erosion is **not institutional in structure but in culture and practice**, where the **spirit of autonomy is being undermined by partisan governance and weak checks and balances**.

## 5.2 Policy and Legal Recommendations

To restore institutional integrity and public trust, a **comprehensive reform agenda** is required, focusing on the **appointment process, transparency mechanisms, and legislative oversight**. The following recommendations aim to strengthen the autonomy and accountability of constitutional institutions in India:

### a. Transparent Appointment Processes through Bipartisan Committees

One of the foremost requirements is to **revamp the appointment procedures** for key constitutional offices. A **collegium-based or bipartisan selection committee**, similar to the model recently prescribed by the Supreme Court for the ECI, should be institutionalized across bodies like the CBI, CAG, and even judiciary-related positions where applicable (Yadav 2021; Roy 2022).

International best practices support **multi-stakeholder appointments** involving the Prime Minister, Chief Justice of India, Leader of the Opposition, and independent domain experts (Sen 2019). This ensures **merit-based selection and mitigates political bias**. Formalizing such processes through legislation would safeguard them from executive discretion.

### b. Strengthening Parliamentary Oversight Mechanisms

Although parliamentary standing committees are empowered to review the functioning of constitutional institutions, in practice, these committees are often **ineffective or politically divided**. There is a need to **reinvigorate these oversight bodies**, ensure **mandatory appearances by heads of institutions**, and publish **timely reports** on their functioning (Khosla 2012).

In the case of the CAG, for example, the **Public Accounts Committee (PAC)** should be given broader investigatory powers and timelines for reviewing audit reports. The **Estimates and Ethics Committees** can be similarly empowered to examine the functioning of the judiciary and CBI, especially when questions of ethical conduct or procedural lapses arise.

### c. Legal Reforms for Greater RTI Access and Audit Transparency

The **Right to Information (RTI) Act**, which served as a powerful tool for public scrutiny, has suffered due to amendments that weakened the autonomy of Information Commissions and limited access to institutional data (Bhushan 2020). Reinstating the **original provisions of the RTI Act** and removing blanket exemptions for constitutional offices would promote transparency.

Audit reports, investigation status, and even certain judicial data (such as pendency and appointment status) should be made available in **user-friendly, digitized formats**. Further, the **Whistleblower Protection Act**, still pending full operationalization, should be implemented to allow internal dissent and reporting without fear of retribution.

#### d. Fixed Tenures and Removal Safeguards

Another critical reform involves **codifying fixed tenures** for institutional heads, with **removal procedures** requiring parliamentary or judicial oversight. This would shield officials from arbitrary dismissal or premature transfers, as seen in cases involving the CBI and ECI (Verma 2021).

Laws governing these institutions should also **mandate performance audits** and **annual accountability reports** to be tabled before Parliament, ensuring they remain answerable to the legislature and the public.

#### e. Judicial Reforms for Collegium Transparency

The judiciary must take initiative to **make the Collegium system more transparent**, including publishing reasons for elevation or rejection of candidates, timelines for recommendations, and making deliberations publicly accessible wherever feasible. Simultaneously, the government should be required to **respond within a stipulated time frame** to Collegium recommendations, with any rejections necessitating written justifications (Bhushan 2020).

These structural and procedural reforms would help **rebalance the separation of powers**, revive institutional credibility, and ensure that constitutional bodies act as **true guardians—not puppets—of India’s democracy**.

### 5.3 Suggestions for Further Research

Despite the insights offered by doctrinal and comparative analysis, **there is a dearth of empirical evidence** to measure the **real-world impact of institutional decline** on public trust, political behavior, and democratic participation. The following areas merit further academic exploration:

#### a. Empirical Studies on Public Trust in Constitutional Bodies

There is a pressing need for **survey-based studies** and **opinion polls** that gauge public trust in institutions like the Election Commission, Judiciary, CAG, and CBI. Such data can help understand how institutional perception influences voter behavior, legal compliance, and political discourse (Roy 2022).

Studies could also assess how different demographic groups—urban vs rural, educated vs uneducated, youth vs elderly—perceive the **legitimacy and neutrality** of these institutions, especially in the context of recent political polarization.

#### b. Investigating the Role of Media in Influencing Institutional Autonomy

The media, both traditional and digital, plays a dual role—**watchdog and influencer**—and its relationship with constitutional institutions deserves rigorous examination. Research is needed on how media coverage, social

media trends, and news framing impact **institutional credibility**, **judicial reasoning**, and **investigative priorities** (Sen 2019).

Moreover, studies could explore whether **sensationalism**, **corporate control**, or **government influence** over media has contributed to the delegitimization or support of certain institutions. A critical media-institutional analysis would add depth to the ongoing debate around **institutional independence in a digital democracy**.

### c. Longitudinal Institutional Health Index

Academia and policy think tanks could collaborate to create an **Institutional Autonomy and Accountability Index**, tracking key metrics over time, such as appointment timelines, vacancy rates, audit frequency, public disclosures, and RTI responsiveness. Such an index would provide **quantitative insight** into how institutions evolve and where reforms are urgently needed.

## 6. Conclusion

The autonomy and accountability of constitutional institutions form the bedrock of any vibrant democracy. In the Indian context, institutions such as the **Election Commission of India (ECI)**, the **Judiciary**, the **Comptroller and Auditor General (CAG)**, and the **Central Bureau of Investigation (CBI)** were constitutionally and legislatively mandated to function independently, free from undue political influence. However, this research paper has demonstrated that while the **de jure autonomy of these institutions remains largely intact**, their **de facto independence has been significantly eroded**, particularly in the post-2014 political landscape.

The case studies examined across these four institutions reveal common trends of political interference, opacity in appointments, inconsistent enforcement of accountability mechanisms, and a general decline in institutional assertiveness. The **ECI**, once globally lauded for its impartiality, has faced serious allegations of **selective enforcement of the Model Code of Conduct** and **partisan behavior** in recent elections (Yadav 2021). Similarly, the **Judiciary**, though protected structurally through the **Collegium system**, has witnessed **delays in judicial appointments** and a **decline in assertive judicial review** against executive actions (Bhushan 2020). The **CAG**, known for exposing large-scale corruption in the past, appears to have adopted a more restrained approach in its audits post-2014, raising questions about political influence over financial scrutiny (Sharma 2018). The **CBI**, often referred to as a “**caged parrot**” by the Supreme Court, has become emblematic of selective investigation and executive misuse of investigative power (Verma 2021).

This study finds that the **accountability mechanisms** built into the Indian constitutional structure—**parliamentary oversight**, **judicial review**, and **public transparency via RTI**—are either under-utilized or deliberately weakened. The **lack of bipartisan appointment mechanisms**, the **executive's dominant role** in appointments, and the **absence of fixed tenure protections** for many institutional heads have further compromised the intended checks and balances.

Despite these challenges, the architecture of India's democracy still provides an avenue for course correction. Reforms such as **transparent, bipartisan appointment processes, strengthened parliamentary committees, greater audit and RTI transparency**, and a **more open Collegium system** are both necessary and feasible. Comparative models from countries like the **United States, United Kingdom, and South Africa** offer valuable lessons on embedding structural independence through **institutional safeguards** and **multi-stakeholder participation in governance** (Sen 2019).

However, structural reforms alone are insufficient without a corresponding **democratic culture** that values and protects institutional integrity. This leads to one of the most crucial conclusions of this study: **the role of civil society, media, and the judiciary in reviving institutional autonomy**. As Datar (2022) notes, the preservation of constitutional values is not the sole responsibility of constitutional bodies—it is a **shared enterprise between institutions and the public**. Civil society must remain vigilant and vocal, using tools like the **Right to Information, public interest litigation, and electoral engagement** to demand accountability and transparency.

The **judiciary**, particularly the higher judiciary, continues to occupy a unique position as the final interpreter of the Constitution. It must reclaim its role as the ultimate protector of institutional independence by **strictly enforcing constitutional norms, checking executive overreach, and mandating compliance with transparency in appointments and functioning** (Bhushan 2020). Recent developments, such as the Supreme Court-mandated **collegial appointments to the ECI**, reflect a positive move toward **reasserting judicial oversight**, though much more needs to be done consistently across institutions.

This research also highlights the need to move beyond anecdotal assessments and toward **data-driven evaluation of institutional health**. Developing metrics like an **Institutional Integrity Index**, conducting **longitudinal public trust surveys**, and enhancing **academic engagement** with empirical studies can deepen understanding and policy innovation.

In sum, the **crisis facing India's constitutional institutions is not merely legal—it is profoundly ethical and political**. Institutional autonomy is not an abstract ideal but a tangible condition that determines whether citizens can rely on governance systems for justice, accountability, and fairness. When institutions bend to partisan interests, they corrode the very foundations of democracy. When they stand firm, they embody the spirit of the Constitution.

The findings of this study reassert that a **balance between autonomy and accountability** is not just desirable—it is essential. Autonomy without accountability risks impunity, while accountability without autonomy leads to subservience. The solution lies in recalibrating institutional design, embedding democratic norms, and empowering citizens to reclaim ownership of their constitutional institutions.

As India continues to evolve as a democracy, its ability to **preserve institutional integrity** will determine whether it remains committed to the rule of law or descends into democratic decay. The path forward demands

courage, reform, and constant civic vigilance. As Datar (2022) aptly observes, “Institutions do not preserve themselves—they are preserved by the people who believe in them.”

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